

REMARKS

Initially, it is noted that the Examiner has rejected claim 1 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner is unclear as to what the terms “corresponding edges” refer and the orientation of the “axes” recited in the claim. Further, the Examiner has objected to the drawings and requested that the axes provided for in claim 1 be shown. However, the Examiner requests pertains only to selected axes claimed in the present application. More specifically, the claims refer to no less than ten various potential axes. Consequently, applicant is somewhat perplexed and respectfully request clarification from the Examiner with respect to which axes the Examiner would like depicted in the drawings.

With respect to the rejection under 35 U.S.C. § 112, second paragraph, applicant refers the Examiner to the specification, page 9, lines 14-19 and page 12, lines 23-29 wherein the axes and the corresponding edges recited in independent claim 1 are fully described. Consequently, applicant is unclear as to the Examiner’s basis for his rejection. Therefore, clarification of the Examiner’s rejection to claim 1 under 35 U.S.C. § 112, second paragraph, is respectfully requested.

The Examiner has rejected claims 1-2, 6 and 9-15 under 35 U.S.C. § 102(b) as being anticipated by Williams, U.S. Patent No. 2,808,189. In addition, claims 1-5 and 7-15 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Reifers, U.S. Patent No. 3,135,445 and claims 1-15 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Emery, U.S. Patent No. 2,783,879. Finally, the Examiner has rejected claim

6 under 35 U.S.C. § 103(a) as being unpatentable over the Reifers '445 patent and has rejected claim 4 under 35 U.S.C. § 103(a) as being unpatentable over the Williams '189 patent in view of Comer, U.S. Patent No. 4,942,965. As hereinafter described, applicant has amended the pending claims to more particularly define the invention for which protection is sought. As such, applicant believes that the now pending claims, namely claims 1-2, 4-10 and 13-15, are in proper form for allowance and reconsideration of the Examiner's rejections is respectfully requested in view of the following comments.

Claim 1 defines a support structure for supporting an object. The support structure includes an elongated member extending along a longitudinal axis and having first and second sides and first and second edges. A first set of ribs projecting from the first side of the elongated member corresponds to the depressions in the second side of the elongated member. The first set of ribs includes first and second ribs axially spaced from each other and from corresponding edges of the elongated member along an axis transverse to the longitudinal axis. A second set of ribs projects from the first side of the elongated member at a location axially spaced from the first set of ribs so as to define an object receiving cradle therebetween. The second set of ribs includes first and second ribs axially spaced from each other along the second axis transverse to the longitudinal axis of the elongated member. A first rib projects from the second side of the elongated member and corresponds to a first depression in the first side of the elongated member between the first and second rib of the first set of ribs. A second rib also projects from the second side of the elongated member. The second rib is axially spaced from the first rib projecting from the second side of the elongated member so as to define a second side object receiving cradle therebetween. The second rib projects from the second side of the elongated member and corresponds to a second depression in the first side of the elongated member between the first and second

ribs of the second set of ribs. As described, the support structure of independent claim 1 allows for first and second objects to be supported on opposite sides of the support structure such that the objects vertically overlap, Fig. 14. As hereinafter described, none of the cited references shows or suggests the structure.

The Williams '189 patent discloses packaging material for fragile articles. The packaging material includes a sheet having a plurality of recesses formed on one side thereof. The sheet may be folded to define a generally rectangular cavity for housing a plurality of clay pigeon targets. However, it is noted that nothing in the Williams '189 patent shows or suggests providing a support structure having object receiving cradles on both sides thereof. More specifically, it is not even contemplated to provide such a structure in the Williams '189 patent since the packaging material disclosed therein is intended to be used within a rectangular, opened ended carton.

The Emery '879 patent is directed to a molded pulp valve tray and package. As best seen in Figs. 3 and 4, the elongated objects support the valve tray are vertically offset. This is due to the fact that the depressions or recesses are not provided between the ribs of each set of ribs as provided for independent claim 1, but are provided between each set of ribs. Therefore, unlike the support structure of the present invention which allows for vertical stacking of the object such that the objects vertically overlap, such a structure cannot be constructed from the valve tray disclosed in the '879 patent. As such, it is believed that independent claim 1 defines over '879 patent.

The Reifers '445 patent discloses an article carrier that is intended as a separator for six cylindrical containers. To maintain the six containers about the separator,

transparent film or the like is wrapped thereabout. It is noted, however, that since the article carrier disclosed in the Reifers '445 patent is not intended to support a load, the first and second ribs of the first set of ribs are not axially spaced from corresponding edges of the separator. In fact, the ribs communicate with the outer edges of the separator. This, in turn, limits the support provided by the carrier on the cylindrical objects. Since the carrier disclosed in the '445 patent is not intended to support the vertical stack, unlike the support structure defined in independent claim 1, there can be no suggestion in the Reifers '445 patent to modify the structure therein to space the ribs from the edges of the carrier as required by independent claim 1. As such, it is believed that independent claim 1 defines over the Reifers '445 patent.

In view of the foregoing, applicant believes that claim 1 defines over the cited references and is in proper form for allowance. Claims 2 and 4-8 depend either directly or indirectly from independent claim 1 and further define a support structure not shown or suggested in the prior art. It is believed that claims 2 and 4-8 are allowable as depending from an allowable base claim and in view of the subject matter of each claim.

Referring to claim 9, a support structure is provided for supporting an object. The support structure includes an elongated member extending along a longitudinal axis and having first and second sides, first and second edges, and first and second ends. The first side of the elongated member includes a plurality of ribs projecting therefrom. The first plurality of ribs are spaced between the first and second ends of the elongated member along a first axis and each of the first plurality of ribs is laterally spaced from the first edge. A second plurality of ribs also projects from the first side of the elongated member. The second plurality of ribs is spaced between the first and second ends of the elongated

member along the second axis. Each of the second plurality of ribs is laterally spaced from the second edge. A plurality of depressions are formed in the first side of the elongated member. The plurality of depressions are spaced between the first and second ends of the elongated member along a third axis disposed between the first and second axis. Each of the plurality of depressions is disposed between one of the first plurality of ribs and one of the second plurality of ribs and forms a corresponding rib projecting from the second side of the elongated member. The ribs projecting from the second side of the elongated member are spaced between the first and second ends of the elongated member along the third axis.

As heretofore described with respect to independent claim 1, neither the Emery '879 patent or the Williams '189 patent show or suggest providing depressions between the ribs on a first side of an elongated member that correspond to ribs projecting from the second side of the elongated member so as to allow vertical stacking of objects directly above each other. Such a structure is entirely absent from the Williams '189 patent and the Emery '879 patent. Further, nothing in the Reifers '445 patent shows or suggests the lateral spacing of the plurality of ribs from corresponding edges of the elongated member. Hence, it is believed that independent claim 9 defines over the cited references and is in proper form for allowance.


Claims 10 and 13-19 depend either directly or indirectly from independent claim 9 and further define a support structure not shown or suggested in the prior art. It is believed that claims 10 and 13-19 are allowable as depending from an allowable base claim and in view of the subject matter of each claim.

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In view of the foregoing, applicant believes that the present application with claims 1-2, 4-10 and 13-19 is in proper form for allowance and such action is earnestly solicited.

Applicant believes that no fees are due at this time. However, the Director is hereby authorized to charge payment of any additional fees associated with this or any other communication or credit any overpayment to Deposit Account No. 50-1170. The Examiner is encouraged to contact the undersigned by phone if questions remain after consideration of this response, or if such would otherwise facilitate prosecution.

Respectfully submitted,

By   
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